REMARKS

Claims 1-44 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-4, 9-19, 23-30, 34-37 and 41-44 Under 35 U.S.C. §102(e)

Claims 1-4, 9-19, 23-30, 34-37 and 41-44 stand rejected under 35 U.S.C. §102(e) as being anticipated by Horstmann *et al.* (US 6,779,022). Withdrawal of this rejection is requested for at least the following reasons. Horstmann *et al.* does not teach or suggest *each and every element* recited in the subject claims.

> A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation*** set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The subject invention relates to a system and method for an automated messaging system that receives messages on a host computer and subsequently passes the message along to a designated device. As such, a user is able to receive messages and send response messages on a designated device while in a location remote from the host computer. (*See* pg. 3, ¶ 2). Upon receiving a message on a designated device, the user can send a response directly from the designated device. (*See* pg. 3, ¶ 3). The response message can be sent from the designated device to the recipient absent interaction from the host computer. (*See* pg. 9, ¶ 1). In addition to sending the response message to the recipient's computer, a copy of the response message can be communicated from the designated device to the host computer. (*See* pg. 4, ¶ 0). In summary, the designated device can send a response message directly to a recipient *and* send a copy message to a host computer. To that end, independent claim 1 (and similarly independent claims 13, 16, 27, and 34) recites ***sending a copy message from the designated device to the***

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address associated with the host computer, said copy message being associated with the reply message. Horstmann *et al.* does not teach or suggest each and every element of the subject claims.

Horstmann *et al.* relates to a mail server that collects messages from a plurality of mail servers and presents them to a user at a single location. When sending a reply message, the reply message is sent *via* a host computer. As such, and in contrast to the invention as claimed, Horstmann *et al.* does not teach or suggest sending a ***copy message*** from the designated device to the address associated with the host computer as recited in the claims. The Examiner posits that Horstmann *et al.* shows that a copy of the *original message* is retained at the host and that the user can use their wireless device to forward the original message to another device. Additionally, the Examiner asserts that Horstmann *et al.* further discloses that the host receives the reply message, and that the reply message is associated with the reply message that was sent to the original sender. (*See* Final Office Action dated May 31, 2005, pg. 5). However, the Examiner's assertions fail to teach or suggest each and every element as recited in the subject claims.

In more detail, Horstmann *et al.* is silent with regard to ***sending a copy message ... to the address associated with the host computer, said copy message being associated with the reply message.*** Rather, Horstmann *et al.* discloses that when a receiving device replies to a message, the message is *relayed* to the intended recipient *via* the communications server. (*See* col. 5, ll. 50-52). Additionally, Horstman *et al.* recites saving a copy of an *original message* on the host computer. (*See* col. 1, ll. 55-57). Nowhere does Horstman *et al.* recite a *copy message* related to the reply message, much less sending a copy message related to the reply message to the address associated with the host computer. That Horstman *et al.* merely relays a reply message *via* the host computer to an intended recipient in no way teaches or suggests *both* sending a reply message to an intended recipient *and* sending a copy of the reply message to a host computer.

To examine in a different manner, the Examiner asserts that Horstman *et al.* discloses that the host receives the reply message. (*See* Supplemental Advisory Action mailed July 25, 2005, pg. 3). This reply message is, therefore, associated with the reply message that was sent to the original sender. (*See* Supplemental Advisory Action mailed

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July 25, 2005, pg. 3). Applicant's representative understands from the Examiner's analysis that the Examiner concedes that Horstman *et al.* discloses only one message with regard to a reply; that is the reply message. It follows that if Horstman *et al.* discloses only one message with regard to a reply, then Horstman *et al.* cannot disclose two separate and distinct messages with regard to a reply as recited in the subject claims; namely a ***reply message*** sent to an intended recipient and a ***copy message*** of the reply sent to the host computer. Alternatively stated, the Examiner seems to be blurring the distinction between a reply message and a copy message, and thus is not affording patentable weight to ***copy message*** as it is recited in the subject claims.

In summary, Horstmann *et al.* nowhere recites a ***copy message being associated with the reply message***. Horstmann *et al.* provides for relaying reply messages through the communications server without ever contemplating sending a copy of the reply message to the host computer. As Horstman *et al.* nowhere discloses a ***copy message***, it seems as if the Examiner is not providing patentable weight to ***copy message*** as it is recited in the subject claims.

As Horstmann *et al.* does not disclose each and every aspect as claimed, it is readily apparent that the rejection of independent claims 1, 13, 16, 27, and 34 (and claims 2-4, 9-12, 14-15, 17-19, 23-26, 28-30, and 35-37 which respectively depend therefrom) should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP144US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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